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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHOU, HENRY K

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,736

Applicant(s)

STRANDBERG ET AL.

Examiner

Henry K Shou

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-9
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1 The drawings are objected to because the following minor informalities:

In Figure 5, the label **negotation space** is believed to have a typo error. The word **negotation** should be corrected to **negotiation**

In Figure 5, the steps 411 and 412 are missing with an essential key word "fault". Please see page 8, line 15 and 22. The step 411 should read as "Prespecified *fault* conditions" and the step 412 should read as "Corresponding *fault* conditions"

Appropriate corrections are required.

Specification

2 The ABSTRACT of the disclosure is objected to because of the following informalities:

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is not within the range of 50 to 150 words and has a typo error **A** at the last word of the second line. It should be read as: **An** indication of the operating condition ...

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3 Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Galand et al. (6,188,698 B1), hereinafter referred to as Galand.

In regard to claim 1, Galand discloses a method of operating a differentiated service network (Network 100 of figure 1, and packet/cell switching network, see column 4, line 53) having a plurality of routers (receive 230 and transmit 240 of figure 2), said method comprising:
determining (see determining, column 3, lines 20-22) an operating condition (see behaviour classification in column 3, line 12) at a first router (transmit 240 of figure 2); and
~ , propagating (see transmitting in column 3, line 32) an indication (packet color red or green, see column 3, line 10) of said operating condition (classification) at said first router (transmit) to a second router (receive 230 of figure 2).

In regard to claim 2, 12 and 27, Galand discloses said first router (transmit) comprises a core router (see transit adapter in column 5, line 54) and said second router (receive) comprises an edge router (see access adapter in column 5, line 51).

In regard to claim 3 and 13, Galand discloses further method comprising:
determining (see determining, column 3, lines 20-22) an operating condition (see behaviour classification in column 3, line 12) at a first router (transmit 240 of figure 2); and
propagating (see transmitting in column 3, line 32) an indication (packet color red or green, see column 3, line 10) of said operating condition (classification) at said first router (transmit) to a second router (receive 230 of figure 2).

In regard to claim 4, 14 and 24, Galand discloses said operating condition (behaviour classification) comprises a status of stability (see colors at column 2, lines 28-37).

In regard to claim 5, 15 and 25, Galand discloses said indication (packet color) comprises a signal corresponding to a network traffic status (see behavior of the connection at column 7, line 38).

In regard to claim 6 and 16, Galand discloses said network traffic status (behavior of the connection) is represented by a color (red or green).

In regard to claim 7, Galand discloses said second router (receive) making a profile (see profile at column 5, line 34) change recommendation to a network operator.

In regard to claim 8 and 17, Galand discloses said second router (receive) renegotiating (see refreshing classification at column 7, lines 59-60) a constraint (see parameters in column 5, line 62) of said network.

In regard to claim 9, 18 and 23, Galand discloses said renegotiating (refreshing

classification) comprises selecting (see dequeued at column 8, line 54) from a plurality of constraints (parameters).

In regard to claim 10, Galand discloses a method of operating a differentiated service network (Network 100 of figure 1, and packet/cell switching network, see column 4, line 53) having a plurality of routers (receive 230 and transmit 240 of figure 2), said method comprising:

receiving an indication (packet color red or green, see column 3, line 10) of an operating condition (see behaviour classification in column 3, line 12) at a first router (transmit 240 of figure 2); and

adjusting (steps 520-545 of figure 5A) at least one parameter of a constraint (see parameters in column 5, line 62) based on said indication (packet color) of said operating condition (behaviour classification).

In regard to claim 11, Galand discloses a further method comprising:

determining (see determining, column 3, lines 20-22) an operating condition (see behaviour classification in column 3, line 12) at a first router (transmit 240 of figure 2); and

propagating (see transmitting in column 3, line 32) an indication (packet color red or green, see column 3, line 10) of said operating condition (classification) at said first router (transmit) to a second router (receive 230 of figure 2).

In regard to claim 19, Galand discloses a differentiated service network (Network 100 of figure 1, and packet/cell switching network, see column 4, line 53) comprising

a first router (transmit 240 of figure 2); and

a second router (receive 230 of figure 2) coupled to said first router, said first router

being associated with a first entity (see first class at column 14, line 4) to determine an operating condition (see behaviour classification in column 3, line 12) at the first router.

In regard to claim 20, Galand further discloses first entity (first class) associated with said first router (transmit) propagates (see transmitting in column 3, line 32) an indication (packet color red or green, see column 3, line 10) of an operating condition (see behaviour classification in column 3, line 12) at the first router device to said second router (receive).

In regard to claim 21, Galand further discloses said second router (receive) is associated with a second entity (see second class at column 14, line 5) that determines an operating condition (behaviour classification) at said second router.

In regard to claim 22, Galand further discloses said second entity (second class) renegotiating (see refreshing classification at column 7, lines 59-60) a constraint (see parameters in column 5, line 62) of said network.

In regard to claim 26, Galand further discloses said first entity (see first class at column 14, line 4) comprises a QoS Firewall entity (see QoS at column 15, line 66).

Conclusion

4 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to network traffic management to guarantee the quality of service (QoS) in general.:

Ayres (US Patent No 6,597,699 B1), Quality of Service Management in A Packet Data Router System Having Multiple Virtual Router Instances

Davies et al. (US Patent No 6,483,805 B1), Internet Differentiated Services Service for Transaction Application

Schuster et al. (US Patent No 6,363,053 B1), Method And Apparatus for Measurement-Based Conformance Testing of Service Level Agreements in Networks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry K Shou whose telephone number is (703) 305-7457. The examiner can normally be reached on weekdays 7 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305-4798. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

HKS
October 23, 2003


RICKY NGO
PRIMARY EXAMINER